

- 6 -

**REMARKS**

The present response is to the Office Action mailed in the above-referenced case on April 19, 2004, and marked non-final. Claims 8-25 are standing for examination. The Examiner has objected to the drawings again. Claims 8 and 17 are rejected under 35 U.S.C. 112, first paragraph, as not supported by the specification. Claims 8-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikkola et al. (6,529,143), hereinafter Mikkola, in view of Giniger (U.S. 6,199,045), hereinafter Giniger.

Regarding the Examiner's objection to the drawings, applicant provides a proposed drawing correction by red-lined copy of Figs. 1, 5, and 7.

Regarding the 35 U.S.C. 112, first paragraph rejection, applicant has made judicious amendments to base claims 8 and 17 above, and quotes now the paragraph beginning on page 35 at line 23, to wit:

"In addition to the raw profile, a data record is kept for each subscriber, storing many kinds of information, including a history of on-line sessions, types of sessions, tours planned and taken, purchase history, and so forth. All of the archived information for a subscriber is cross-referenced and may be accessed by the subscriber for many purposes, and by the service for other purposes, with permission of the subscriber. Many of these additional services and abilities are described in further detail below."

Applicant has carefully studied the prior art presented by the Examiner and the Examiner's rejections and statements of the instant Office Action. In response applicant herein amends the claims to more particularly point out and distinctly claim the subject matter of applicant invention regarded as

- 7 -

patentable. Applicant points out and argues the limitations of applicant's claims as amended, which distinguish clearly and unarguably over the prior art cited and applied by the Examiner.

Regarding claim 8, the Examiner has stated that Mikkola discloses an information system for delivering position-related information to a portable digital appliance, comprising substantially the limitations of applicant's claims, with the exception that Mikkola does not specifically disclose a client profile recording specific references for a user of the digital appliance. The Examiner has dropped TSo, and now relies on Giniger to teach those limitations not taught in Mikkola.

To clearly distinguish applicant's claims over the combined teachings cited and applied by the Examiner, applicant herein amends the language of the base claims to specifically recite wherein the information system selects information to be provided to the appliance according to the position of the appliance, change of position of the appliance relative to time, and user preference indicated in the client profile, and stores a record of one or more of a history of on-line sessions by the user, types of sessions, tours planned and taken, and purchase history.

The reference of Mikkola teaches retrieving point of interest information in accordance to the interest of the user. The Examiner has admitted, however, that Mikkola fails to specifically disclose a client profile recording specific preferences for the user of the digital appliance. Applicant points out that Mikkola also fails to teach recording and storing in the data repository, the one or more of a history of on-line sessions by the user, types of sessions, tours planned and taken, and purchase history.

The Examiner has relied on the secondary reference of Giniger for teaching those limitations in the base claims not taught by Mikkola. In view


- 8 -

of the additional limitations by amendment to the base claims 8 and 17 in this response, however, the reference of Giniger falls far short of providing the missing pieces. The portion relied upon by the Examiner seems to merely recite recording keyboard entries by the user.

The applicant believes therefore that the amended base claims are patentable to the applicant over the art cited and applied, and that all of the depended claims are now patentable at least as depended from patentable base claims.

Applicant therefore respectfully requests that the present case be reconsidered and passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,  
Harry A. Glorikian

by   
Donald R. Boys  
Reg. No. 35,074

Donald R. Boys  
Central Coast Patent Agency, Inc.  
P.O. Box 187  
Aromas, CA 95004  
(831) 726-1457